

# SENATE BILL 267

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(PRE-FILED)

4lr0067  
CF HB 230

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: September 10, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 10, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Vehicle Administration and Local Health Departments – Death**  
3 **Certificates – Issuance of Copies**

4 FOR the purpose of authorizing the Motor Vehicle Administration and local health  
5 departments to access electronically from the Maryland Department of Health a copy  
6 of a death certificate and, on request, provide any person authorized by regulations  
7 with a certified or abridged copy of a death certificate; authorizing the  
8 Administration and local health departments to set and collect a fee for processing  
9 and issuing death certificates, subject to certain limitations; and generally relating  
10 to the issuance of copies of death certificates.

11 BY repealing and reenacting, with amendments,  
12 Article – Health – General  
13 Section 4–217(a), (c), and (d)  
14 Annotated Code of Maryland  
15 (2023 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 4–217.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) Except as provided in subsection (b) of this section, the Secretary shall  
2 provide, on request, any person authorized by regulations adopted under this subtitle with  
3 a certified or abridged copy of a birth, death, or fetal death certificate registered under this  
4 subtitle or of the certificate of a marriage performed after June 1, 1951.

5 (2) Except as provided in subsection (b) of this section and subject to  
6 subsection (h) of this section, a local health department or the Motor Vehicle  
7 Administration may:

8 (i) Access electronically from the Department a certified or abridged  
9 copy of a birth certificate **OR DEATH CERTIFICATE** registered under this subtitle; and

10 (ii) On request, provide any person authorized by regulations  
11 adopted under this subtitle with a certified or abridged copy of a birth certificate **OR DEATH**  
12 **CERTIFICATE** registered under this subtitle.

13 (3) (i) The Secretary shall provide on request, to any person authorized  
14 by regulation adopted under this subtitle, a commemorative birth certificate.

15 (ii) The Department shall set a fee for the commemorative birth  
16 certificate.

17 (iii) The commemorative birth certificate shall:

18 1. Be in a form consistent with the need to protect the  
19 integrity of vital records but suitable for display; and

20 2. Have the same status as evidence as the original birth  
21 certificate.

22 (iv) A portion of the funds collected under this paragraph shall go to  
23 the Department for the production costs of issuing the commemorative birth certificates.  
24 The remainder of the funds collected shall be paid into the Children's Trust Fund  
25 established under § 13-2207 of this article to provide funding for the Child Abuse Medical  
26 Providers (Maryland CHAMP) Initiative.

27 (v) The Secretary shall adopt regulations to implement the  
28 provisions of this paragraph.

29 (c) (1) Except as otherwise provided by law:

30 (i) The Department shall collect a \$12 fee:

31 1. For each certified or abridged copy of a fetal death,  
32 marriage, or divorce verification certificate;

1                   2.     For a report that a search of the fetal death, marriage, or  
2 divorce verification certificate files was made and the requested record is not on file;

3                   3.     For each change to a fetal death, marriage, or divorce  
4 verification certificate made later than [one] 1 year after the certificate has been registered  
5 with the Department; or

6                   4.     To process an adoption, foreign adoption, or legitimation;

7                   (ii)    The Department shall collect a \$10 fee:

8                   1.     Except as provided in paragraph (6)(ii) of this subsection,  
9 for each certified or abridged copy of a birth certificate;

10                  2.     For the first copy of a certified or abridged death certificate  
11 issued in a single transaction;

12                  3.     For a report that a search of the birth or death certificate  
13 files was made and the requested record is not on file; or

14                  4.     For each change to a birth or death certificate made later  
15 than 1 year after the certificate has been registered with the Department; and

16                  (iii)   The Department shall collect a \$12 fee for each additional  
17 certified or abridged copy of a death certificate provided concurrently with an initial  
18 requested death certificate.

19                  (2)    From the fee the Department collects under paragraph (1) of this  
20 subsection, the Department shall transfer the entire fee to the General Fund.

21                  (3)    (i)    Any local health department or the Motor Vehicle  
22 Administration may set and collect a fee for processing and issuing a birth certificate **OR**  
23 **DEATH CERTIFICATE**, or for a report that a search of the files was made and the requested  
24 record is not on file, that covers:

25                   1.     The administrative costs of providing this service; and

26                   2.     The requirements of subparagraph (iii) of this paragraph.

27                  (ii)    The fee set by the local health department or the Motor Vehicle  
28 Administration for processing and issuing a birth certificate or for a report under  
29 subparagraph (i) of this paragraph may not exceed the actual costs to the local health  
30 department or the Motor Vehicle Administration for processing and issuing a birth  
31 certificate **OR DEATH CERTIFICATE** or a report.

1 (iii) From the fee the local health department or the Motor Vehicle  
2 Administration collects under subparagraph (i) of this paragraph, \$10 shall be transferred  
3 to the General Fund.

4 (iv) Prior to setting and collecting a fee for processing and issuing a  
5 birth certificate **OR DEATH CERTIFICATE** or for a report under subparagraph (i) of this  
6 paragraph, the local health department or the Motor Vehicle Administration shall enter  
7 into a memorandum of understanding with the Maryland Department of Health that  
8 outlines the local health department's or the Motor Vehicle Administration's fee structure.

9 (4) The Department, a local health department, or the Motor Vehicle  
10 Administration may collect a fee for a certificate requested by an agency of the State or any  
11 of its political subdivisions.

12 (5) The Secretary may waive all or part of a fee if chargeable to an agency  
13 of the United States.

14 (6) (i) The Department may not collect a fee for a copy of a vital record  
15 issued to:

16 1. A current or former member of the armed forces of the  
17 United States; or

18 2. The surviving spouse or child of the member, if the copy  
19 will be used in connection with a claim for a dependent or beneficiary of the member.

20 (ii) 1. In this subparagraph, "homeless individual" has the  
21 meaning stated in the federal McKinney-Vento Homeless Education Assistance  
22 Improvements Act of 2001 [(42 U.S.C. § 11302(a))].

23 2. Subject to subparagraph 4 of this subparagraph, the  
24 Department may not collect a fee for a certified or an abridged copy of a birth certificate  
25 issued to a homeless individual.

26 3. The Department shall accept as proof of homelessness a  
27 signed written statement from a homeless services provider located in the State that:

28 A. Affirms that the individual is homeless; and

29 B. Includes the address to which the copy of the birth  
30 certificate requested under this section may be sent.

31 4. A homeless individual may receive one copy of a birth  
32 certificate without a fee in a single transaction.

33 5. The Department shall adopt regulations to implement this  
34 subparagraph.

1 (iii) The Department may not collect a fee for a certified or abridged  
 2 copy of a death certificate of a first responder, as defined in § 18–213.2 of this article, killed  
 3 in the line of duty, if the copy is issued to a surviving spouse or child of the first responder  
 4 and will be used in connection with a claim for a dependent or beneficiary of the first  
 5 responder.

6 (d) (1) (i) Except as provided in subparagraph (ii) of this paragraph, any  
 7 local health department **OR THE MOTOR VEHICLE ADMINISTRATION** may set and collect  
 8 a fee for processing and issuing a death certificate that covers the administrative costs of  
 9 providing this service.

10 (ii) A local health department **OR THE MOTOR VEHICLE**  
 11 **ADMINISTRATION** may not collect a fee for processing and issuing a certified or abridged  
 12 copy of a death certificate of a first responder, as defined in § 18–213.2 of this article, killed  
 13 in the line of duty, if the copy is issued to a surviving spouse or child of the first responder  
 14 and will be used in connection with a claim for a dependent or beneficiary of the first  
 15 responder.

16 (2) The fee set by the local health department **OR THE MOTOR VEHICLE**  
 17 **ADMINISTRATION** for processing and issuing a death certificate under this subsection may  
 18 not exceed the actual costs to the local health department **OR THE MOTOR VEHICLE**  
 19 **ADMINISTRATION** for processing and issuing a death certificate.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 21 October 1, 2024.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.